

10 MAY 1956

MEMORANDUM FOR: Deputy Director (Plans)
Deputy Director (Intelligence)
Comptroller

STATINTL

SUBJECT: Rescission of [REDACTED] Civil Service Retirement

REFERENCE: Memos to DD/S, DD/I, DD/P et al from AC/RCS, dated
15 February 56, Proposed Revision of Subject Regulations

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1. During the Agency coordination of certain proposed changes to the subject regulations (referenced above), the Office of the General Counsel non-concurred in the proposed issuances for the following reason: "It is the opinion of this Office that the major portion of the material appearing in this regulation is not such as should be covered by a regulation". OGC suggested that [REDACTED] be revised so as to note only those matters concerning retirement peculiar to Agency employees because of cover, security or other problems faced by the Agency". It further stated that the remainder of the material should be made available to employees through the pamphlets published by the Civil Service Commission.

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2. The Office of the General Counsel considers that most of the material in [REDACTED] does not come within the definition of a regulation as set forth in [REDACTED] e. "Regulations prescribe Agency policies, establish organization, delegate authorities, assign responsibilities, and set forth essential procedures", since OGC feels "almost all of the material in [REDACTED] is a restatement of the Civil Service Act and the regulations issued thereunder". In this connection, OGC noted that there are available several manuals and pamphlets on the subject of retirement prepared by the Civil Service Commission and commented upon CSC Pamphlet 18 as being particularly useful and readily available to headquarters and field personnel.

3. The importance of having an optimum of information readily accessible to employees on retirement is obvious and we do not consider this issue to be controverted by OGC. In this regard, employees need to know and desire to know the substantive elements of the retirement program, such as coverage, types of service that are creditable, types of retirement, conditions and eligibility requirements for retirement, methods for determining the amount of an annuity, availability of survivor benefits, and procedures for obtaining increased retirement benefits by individual contributions. A fully explained and easily understood presentation of this information cannot be divorced from the administrative processing of employee applications and inquiries concerning their retirement status. Such information should be readily available to employees during their tenure in Government service as well as to those personnel considering imminent retirement, since it is important that employees plan

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their retirement long in advance of separation. If maximum benefits are to be assured, individuals must carefully assess prior to separation, and at various times during their career, the most advantageous date of retirement, the creditability of various types of their Government service, the minimum service requirements for survivor benefits, the necessity and/or desirability of making deposits and redeposits et al.

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4. With regard to the position of OGC, this Office believes the retention of [REDACTED] inclusive of the substantive elements described above, is essential. Our views are based upon the following reasons:

a. The regulations provide a comprehensive source of substantive information integrally aligned with procedural material. This arrangement ensures a single reference point and obviates the search for other sources of information needed by individuals prior to making applications and/or inquiries.

b. We believe the presentation of retirement information, which affects all staff personnel, is a condition precedent to their planning for retirement and taking appropriate actions pursuant thereto. Therefore, publication of such information is a legitimate and desirable use of Agency regulations and supports the declared policy of CIA (since the publication of the regulations in 1953) to "provide assistance and advice to employees concerning their current and prospective benefits, privileges, and obligations".

c. Since the subject of retirement is highly complex and technical in nature, the Agency regulations were written with a view to presenting such material in as comprehensible a manner as the subject permits.

d. Based upon the experience gained by this Office in discharging its functional responsibilities of retirement counseling and processing applications for retirement and creditability of service, it is apparent to us from the nature of the inquiries received that employees and personnel administrative officers are using the retirement regulations. If the substantive elements of these regulations were removed, we can only conclude that there would be an increase in the number of inquiries and/or unresolved retirement issues (at the time of separation) which otherwise would be easily resolved by the employee or his office. This Office has also noted a significant increase in the interest shown in retirement since the publication of the regulations, which we attribute in part to their issuance.

e. We feel that the reasons cited above constitute sufficient reason for retention of the retirement regulations in their present form even if other public sources of retirement information were readily available. Fundamentally, however, our principal concern is the fact that such information will not be fully and readily available to all Agency personnel

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if substantive elements of [REDACTED] are rescinded. The Federal Personnel Manual contains the only comprehensive, systematic presentation of retirement rules and regulations in the Federal service, and it is the authoritative source upon which the regulations are based. This Manual, however, is not generally available in the Agency and must be constantly maintained by all users if the material is to be kept correct and current. In addition to the Manual, there are two basic brochures disseminated by the Civil Service Commission, namely, Standard Form 105, Certificate of Membership in the Civil Service Retirement System, and Pamphlet 18, Your Retirement System. We do not believe that either publication is an adequate, substantive coverage of information needed by employees of the Agency. The first item is a brief resume of information about retirement, and the second item is informative as supplemental material for the technician or partially informed person, inasmuch as it is a question and answer booklet covering frequently posed aspects of retirement. By its very nature, however, it does not fully and systematically present the detailed information that is needed by an uninitiated person. In addition to the foregoing, we do not believe that these pamphlets are readily available to our employees. Although we could order Pamphlet 18 in quantity at approximately 10 cents each, the issuance of pertinent information in regulatory form is cheaper in the long run and more comprehensive. Form 105 is presented to staff personnel at the time of entrance on duty, but it has been our observation that most employees either lose or do not have this item readily accessible over a prolonged span of employment.

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5. Inasmuch as the future disposition of [REDACTED] significantly affects the personnel of the Agency, this Office believes the issue should be finally resolved after eliciting the views of your Office. It is, therefore, requested that you advise us of your position concerning the desirability of retaining the regulations in their current form or confining them to matters peculiar to Agency employees because of cover, security or other problems faced by the Agency.

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[REDACTED]
Harrison G. Reynolds
Director of Personnel